

Town of Shrewsbury - Board of Selectmen
Richard D. Carney Municipal Office Building-Selectmen's Meeting Room
100 Maple Avenue
Monday, July 24, 2006 at 7:00 PM

Minutes

Present:

Bruce Card, Maurice DePalo, John Lebeaux, James McCaffrey, and Daniel Morgado, Town Manager. Mr. Lebeaux called the meeting to order at 7:02pm.

Absent:

Thomas Fiore

Preliminaries:

1. Approve bills, payrolls and warrants, #06105S in the amount of \$519,270.79, #0705 in the amount of \$469,578.00, and #0708 in the amount of \$1,506,989.18. Motion made, seconded and unanimously approved.
2. Approve minutes of July 10, 2006. Motion made, seconded and unanimously approved.
3. Announcements – In response from many inquiries from residents, Mr. Lebeaux read a statement from Chief Sampson regarding the recent shooting of Police Officer Steven Rice. Officer Rice has been discharged from the hospital and is recuperating at home with his family. He continues to grown stronger each day. The Police Dept. continues to offer support to all their employees who were working that evening as they process this very difficult and emotional event. The case continues to be investigated in a thorough and methodical manner. The Chief wishes to thank the residents of Shrewsbury and town officials for their support during this time and he will continue to keep us informed as significant developments arise. Mr. Lebeaux announced that the Shrewsbury Summer Concert Band will perform this Wednesday, July 26th at 7:00pm at the Dean Park Band Stand. Rain date is Thursday, July 27th. Mr. Lebeaux added that he had two items from the Parks & Recreation Dept. First, there is no public swimming at the State Boat Ramp or the Donahue Rowing Center. Docks are for boating only. Second, in conjunction with the Parks & Recreation Dept., the second concert in the Brown & Brown Summer Concert Series: Bugaboo Swamis, playing Cajun & Sidecar music, is Saturday August 12th from 5:00pm-7:00pm at the Dean Park Band Stand, rain or shine.
4. Town Manager's Report – Nothing other than what is on the Agenda.

Meetings:

Public Hearings:

5. 7:05pm – Hebert Confections, LLC, 575 Hartford Turnpike, Jeffrey S. Goodman, Manager, Common Victualler's License, Hours of Operation: Sunday-Saturday 9:00am-9:00pm. Mr. Goodman was present and advised the Board that he was the new owner of the business but had no plans to change the operation of Hebert's other than to add a walk up window for the sale of ice cream. Mr. Lebeaux advised that all reports from department heads were favorable. The Building Inspector advises that the ZBA had recently granted a special permit for the walk up window on June 27th. Mr. Lebeaux asked for questions from the Board. After a few questions, the hearing was opened to the public and as there was no public comment, motion was made, seconded and unanimously voted to close the hearing. Motion was made to approve the application of Hebert Confections, LLC for a Common Victualler's License for the purpose and hours as stated on the application. Motion was seconded and unanimously approved.
6. 7:15pm – Extra Space Management, Inc. d/b/a Extra Space Storage #787, 53 Clinton Street, Miriam Justiniano, manager, Commercial Garage License, Hours of Operation: Monday-Thursday 9:30am-6:00pm, Friday 10:30am-7:00pm, Saturday 8:30am-5:00pm & Sunday 11:00am-3:00pm. Ms. Justiniano was present and advised the Board that she was before the Board this evening as there is a new owner of the business which requires that a new license be issued. No changes in operation are planned; the garage license is for the storage of vehicles only. No repairs are allowed. Two buildings of the ten building complex are used for winter storage of vehicles. Any

vehicles that are used must be parked outside. The other eight buildings are used for the storage of household items, business files, etc. Mr. Lebeaux advised the reports from department heads were favorable but that Fire Chief Laflamme had some questions. After questions from members of the Board and a discussion, it was decided to hold any further action on the application until the August 7th meeting when the questions raised by Chief Laflamme and Board members could be answered. Motion was made, seconded and unanimously voted to continue the hearing until August 7, 2006 at 7:45pm. Motion was seconded and unanimously approved.

Old Business:

7. Compliance with Chapter 125 of the Acts of 2005. Mr. Lebeaux reviewed the discussion at the July 10th meeting regarding this Act which relates to accidental death benefits for the surviving spouse of a volunteer emergency service provider, or call, volunteer, auxiliary, intermittent, or reserve firefighter or police officer. Town Counsel has advised that G.L. c. 32 2. 89B does meet the requirement of Section 4 of Chapter 125 of the Acts of 2005 and that the Board could designate G.L. c.32, s. 89B (accepted at the May 2005 Annual Town Meeting) as the means to meet the requirement. Motion was made, seconded and unanimously voted to use the benefits afforded through G.L. c. 32, s. 89B as the means to comply with the provisions of Chapter 125 of the Acts of 2005.

New Business:

8. Act on Board of Selectmen's Policy #10 – Voluntary Water Restrictions. Mr. Lebeaux recused himself from the discussion to avoid the appearance of conflict of interest and Mr. Card assumed the chair. Mr. Card advised that in reviewing the Board's policies Mr. McCaffrey had noticed that Policy #10, Voluntary Water Restrictions and the mandatory water restrictions currently in effect were contradictory. Mr. McCaffrey advised that the voluntary water policy and the mandatory water policy, which are both on the books at present, could cause confusion for residents. As the mandatory restriction supercedes the voluntary policy, he recommended that the Board strike Policy #10. Motion was made, seconded and voted three in favor with one abstention to rescind Policy #10, Voluntary Water Ban. Mr. Morgado reminded residents that the mandatory water ban of even numbered addresses watering on Tuesday, Thursday and Saturday and odd numbered addresses watering on Wednesday, Friday and Sunday with no outdoor watering Monday remains in effect.
9. Water Abatements for Brook Street Residents. Mr. Lebeaux advised that three properties that front on Brook Street and are part of the Southwoods Subdivision have applied for water abatements. Water and sewer services were provided for these houses from Tralee Lane at the rear of the lots. The Town recently constructed a new water line on Brook Street that crossed the frontages of these three lots. Assessments were issued to all the benefited parcels based on the cost of the project divided by the frontage. It was determined that these properties did benefit from the fire protection provided by the fire hydrants on the road fronting their properties although water was supplied from the rear of the properties. Therefore, the Town Engineer and Water Superintendent felt that an equitable solution would be to have an assessment for 50 percent of the assessed amount to cover the fire protection factor. Motion was made, seconded and unanimously voted to approve the 50 percent abatement for these properties.
10. Struck Catering, 130 Hamilton Street, Worcester, MA, One Day All Alcohol License for event at Hoagland-Pincus Conference Center, 222 Maple Avenue, on Thursday, August 10, 2006 from 5:00pm to 9:00pm. Motion was made, seconded and voted three in favor with Mr. Card abstaining to approve the application of Struck Catering for a One Day All Alcohol License for the date and times as stated.
- 10a. Review & Act on Plumbing and Gasfitting Fees. Mr. Morgado reviewed the proposed increases in plumbing and gasfitting fees. He advised the Board that even with these increases, Shrewsbury's fees are still lower than those in the surrounding communities. Fees for these services have not been increased since 2003. Each permit includes three inspections with re-inspections at \$50.00 (no increase proposed). The inspector receives a flat fee for each inspection and the remainder is revenue for the town. The current town fee is \$2.00 per permit; the proposed increase will be \$10.00 per permit. A discussion followed regarding whether the proposed increases were sufficient to cover the costs to the town for processing, etc. In light of the questions raised, the Board decided to hold a vote on the proposed increases until the August 8th meeting.
- 10b. Request from the Friends of the Shrewsbury Public Library to reschedule a concert scheduled for Friday, July 21st which was cancelled due to inclement weather with rain date of Sunday, July 23rd which was also cancelled due to

the weather, to Saturday July 29th at 6:00pm. The First Congregational Church has approved the rescheduled date. Motion was made, seconded and unanimously voted to approve the rescheduled concert date.

Mr. Card advised that the catch basins in the Old Mill Road/Audubon Drive area are clogged due to the recent heavy rains. Mr. Morgado will have them checked and the debris removed.

Executive Session:

11. Collective bargaining, pending litigation and value of real property.

Communication:

12. Noted copy mailed: E-mail from Maria Sheehan re Alliance for Community Media Conference.
13. Noted copy mailed: Letter from The Dartmouth Group managing agent for Harrington Farms Condominium & Association re Municipal Service Request. An article regarding this service had been placed on the Town Meeting Warrant several years ago at the request of a condominium owner's association. The article was defeated. Mr. Lebeaux will respond.
14. Noted copy mailed: Notice of Project Change from Rizzo Associates re Proposed Mixed-Use Development, Moss Development & AvalonBay Communities, Inc. (complete report on file in BOS office)
15. Noted copy mailed: E-mail from Gail Aslanian, 285 Main Street, re Yard Sales. Ms. Aslanian has provided the Board with regulations regarding yard sales from other communities. The Board thanked her for her assistance. Mr. Lebeaux noted that the public response to the issues raised at the July 10th meeting has been very favorable. He advised that the town web site has a place, The Town Crier, for public announcements that the public could use for yard sales, etc. instead of posting signs.
16. Noted copy mailed: Notice from Office for Commonwealth Development re FY07 TOD Infrastructure & Housing Support Program (TOD Bond Program).
17. Noted copy mailed: Letter from Office of Administration & Finance, Div. of Capital Asset Management, Office of Leasing & State Office Planning re Commonwealth's Search for Lease Space.
18. Noted copy mailed: E-mail from Joyce Ireland Hokans, 27 Lake Street, re Lake Street & Route 9.
19. Noted copy mailed: E-mail from Rep. Polito re House Docket 5273, *An Act Relative to the Safety of the Children in the Commonwealth*. Rep. Polito is requesting support of this act by residents.
20. Noted copy mailed: Senator Kerry Monthly Recap.
21. Noted copy mailed: ZBA Hearing Minutes, 6/27/06, Suzanne & Mark Coggeshall, 22 Alden Avenue.
22. Noted copy mailed: ZBA Hearing Minutes, 6/27/06, Brain Lauzon, 24 Cypress Avenue
23. Noted copy mailed: ZBA Hearing Minutes 6/27/06, Michael Harrington, 93 Oak Street.
24. Noted copy mailed: ZBA Hearing Minutes, 6/27/06, Hebert Confectioners, LLC, 575 Hartford Turnpike.
25. Noted copy mailed: Westborough Treatment Plant Meeting Minutes, 6/14/06.
26. Noted copy mailed: MMA Annual Membership ~~Motion~~ for FY 2007. seconded and unanimously voted to approve payment of the MMA dues for FY 2007.
27. Noted copy mailed: ARC Alert: Partnership's State Funding Vetoed by Gov. Romney. Board will write in support of reinstating the funds if not restored by the legislature.
28. Noted copy mailed: E-mail from Gina Brossi, 3 Birchwood Drive, re Fiber-to-the premises network. Mr. Lebeaux will respond.
29. Noted copy mailed: E-mail from Richard Fiske, 9 Hillcrest Avenue, requesting meeting with Board & subsequent e-mail withdrawing request.
30. Noted copy mailed: E-mail from Tom Josie to Rep. Polito re Legislative Efforts.
31. Noted copy mailed: Memo From Mr. Morgado re Sign Placement Request. Mr. Morgado advised that he had received a request from a private group that is running a theater camp at the high school to put a sandwich sign in front of Beal School advertising their production, Godspell, for this coming weekend. They had wanted to put up a banner across Maple Avenue but that space had been taken. Motion was made, seconded and unanimously voted to approve the request on the condition that the sign is removed upon completion of the show.
32. Noted copy mailed: Memo from Treasurer Carolyn Marcotte re Foreclosed Property.
33. Noted copy mailed: Dept. of Revenue Bulletin, 2006-10B, re What's New in Municipal Law. Anyone interested in attending should contact the office.

34. Noted copy mailed: SELCO Commission Meeting Minutes, 6/26/06
35. Noted copy mailed: Press Release from the Office of the District Attorney re Disposition of Criminal Cases for Worcester Div. of the Superior Court Dept. of the Trial Court for first six months of 2006.
36. Noted copy mailed: Veolia Monthly Water Compliance Report, June 2006.
37. Noted copy mailed: E-mail from Chris Sebolt, Doggie Daddy's, 85 Dana Road, Oxford, MA re Clarification of License. Mr. Sebolt questions the need for a Common Victualler's License for his hot dog cart operation during the summer car shows in the Building 19 parking lot. Mr. Lebeaux advised that others operating on private property are required to have a Common Victualler's License. Therefore, Mr. Sebolt needs one as well. Mr. Sebolt will be notified.
38. Noted copy mailed: Planning Board Agenda, 8/3/06.

Motion was made, seconded, and unanimously voted to adjourn at 8:21pm. On a roll call vote Mr. Card, yes, Mr. McCaffrey, yes, Mr. DePalo, yes, and Mr. Lebeaux, yes.

Respectfully submitted,

Janice C. McCoy
Secretary